

Message Text

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ORIGIN L-03

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FM SECSTATE WASHDC

TO USDEL SECRETARY FLASH

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FOR THE SECRETARY FROM LEIGHONLY

E.O. 11652: N/A

TAGS: SOPN

SUBJECT: PRESS GUIDANCE

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1. FOLLOWING IS DRAFT TEXT OF REVISED PRESS STATEMENT FOR
RELEASE TUESDAY NOON OR SHORTLY THEREAFTER:

QUOTE:

A. SECRETARY KISSINGER ANNOUNCED TODAY THAT HE IS DONATING
TO THE UNITED STATES OF AMERICA, FOR PRESERVATION AT THE
LIBRARY OF CONGRESS, THE TRANSCRIBED SECRETARIAL NOTES OF
TELEPHONE CONVERSATIONS DURING HIS YEARS IN GOVERNMENT.

B. THE NOTES ARE BEING DONATED TO THE LIBRARY OF CONGRESS
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UNDER A SEPARATE DEED OF GIFT, BECAUSE OF THE SIGNIFICANT
RIGHTS OF PRIVACY THAT MAY EXIST FOR PERSONS WHO WERE
PARTIES TO THE TELEPHONE CONVERSATIONS. THIS SEPARATE DEED
OF GIFT INCORPORATES THE TERMS OF THE ORIGINAL DONATION,
INCLUDING THE TIME RESTRICTIONS ON PUBLIC ACCESS. AT THE
END OF THE TIME PERIOD SPECIFIED IN THE ORIGINAL DONATION,

ANY PAPER IN THIS GROUP WILL BE AVAILABLE FOR PUBLIC ACCESS
UNLESS ONE OF THE PARTIES TO THE CONVERSATION IS STILL
LIVING, IN WHICH CASE HIS CONSENT MUST FIRST BE SECURED.

C. THE NOTES WERE MADE AS A MEMORY AID AND TO INSURE
APPROPRIATE ADMINISTRATIVE FOLLOW-UP, BUT WERE NOT IN
THEMSELVES ACTION DOCUMENTS. UNLIKE OFFICIAL DOCUMENTS,
THE NOTES ARE VERY INFORMAL IN NATURE AND IN TONE. WITH-
OUT ADDITIONAL BACKGROUND AND FAMILIARITY WITH THEIR
CONTEXT, THE NOTES WOULD NOT PROVIDE A COHERENT OR COMPRE-
HENSIBLE ACCOUNT OF EVENTS. THEY WERE NEVER CIRCULATED,
AND ANY ACTION RESULTING FROM THE CONVERSATIONS WOULD BE
CONTAINED IN OTHER DOCUMENTS.

D. TO AVOID ANY MISINTERPRETATION DURING HIS FINAL DAYS
IN PUBLIC OFFICE, THE SECRETARY HAS DECIDED TO GIVE THE
NOTES AT THIS TIME TO THE LIBRARY OF CONGRESS, AS PART OF
THE GIFT TO THE NATION OF HIS PERSONAL AND PUBLIC PAPERS
WHICH WAS ANNOUNCED LAST WEEK. HOWEVER, THE NOTES WILL
CONTINUE TO BE REVIEWED AND EXTRACTS WILL BE PREPARED
BEFORE JANUARY 20 OF ANY SIGNIFICANT GOVERNMENT ACTIVITY
OR DECISIONS WHICH ARE REFLECTED IN THE NOTES BUT WHICH
DO NOT APPEAR TO BE CONTAINED IN EXISTING GOVERNMENT
RECORDS. THE EXTRACTS WILL BE PLACED IN THE APPROPRIATE
GOVERNMENT RECORD FILES.

E. A COPY OF THE DEED OF GIFT IS ATTACHED.

END QUOTE.

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2. ALTHOUGH ON FRIDAY WE DISCARDED AS UNDESIRABLE THE
SENTENCES AT END OF PARA. D ON EXTRACTING, I NOW BELIEVE
THESE IMPORTANT IN FORESTALLING LEGAL ACTION.

3. FOR THE LATTER HALF OF PARA. D, I RAISE THE FOLLOWING
ALTERNATIVE. QUOTE: EXTRACTS OF GOVERNMENT DECISIONS
AS WELL AS OTHER INFORMATION RELEVANT TO THE CONDUCT OF
FOREIGN POLICY, WHICH ARE REFLECTED IN THE NOTES, WILL BE
PRESERVED IN APPROPRIATE GOVERNMENT RECORD FILES AND WILL
CONTINUE TO BE AVAILABLE, SUBSEQUENT TO JANUARY 20, TO
RESPONSIBLE GOVERNMENT OFFICIALS. END QUOTE. UNDER THIS
ALTERNATIVE, WE WOULD ALSO DELETE THE WORDS QUOTE, AT THIS
TIME, UNQUOTE IN FIRST PART OF PARA. D.

4. LATTER VERSION WOULD PROVIDE GREATER-PROTECTION AGAINST
LEGAL ACTION BECAUSE IT BROADENS THE MATERIAL SUBJECT TO
EXTRACTION. FOR THE SAME REASON, IT WILL INCREASE THE
BURDEN OF THE EXTRACTION PROCESS. ALSO, IT EMPHASIZES

THE CONTINUING AVAILABILITY OF THE EXTRACTS TO THE GOVERNMENT, RATHER THAN THE FACT THAT THE REVIEW IS TAKING PLACE AT PRESENT. CONSEQUENTLY, IT WOULD OMIT THE IMPLICATION THAT YOU HAVE BEEN DELAYING THE DONATION UNTIL THE PAPERS COULD BE REVIEWED. PLEASE ADVISE WHICH FORMULATION OR VARIATIONS YOU PREFER.

4. OBERDORFER SUBMITTED TWO MORE QUESTIONS AT TODAY'S PRESS BRIEFING. TEXT OF QUESTIONS FOLLOWS.

QUOTE:

A. IN LIGHT OF THE ARCHIVIST OF THE UNITED STATES DECISION, AS PUBLISHED IN GSA BULLETIN FPMRB-65 ON NOVEMBER 15, 1976, HOW CAN SECRETARY KISSINGER TREAT AS HIS PERSONAL PROPERTY RECORDS OF HIS TELEPHONE CALLS WHICH COVER MATERIAL CLEARLY OTHER THAN THAT PERTAINING SOLELY TO HIS PRIVATE AFFAIRS? HOW DOES THE DEPARTMENT GET AROUND THIS NOVEMBER 15 RULING?
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B. WITH REGARD TO RECORDS MANAGEMENT, STATE'S OWN REGULATIONS, 5 FAM 432 -- SEPARATION OF PERSONAL FROM OFFICIAL RECORDS -- CALLS FOR OFFICIAL POLICY MATTERS DISCUSSED IN PERSONAL CORRESPONDENCE TO BE EXTRACTED AND MADE PART OF THE OFFICIAL RECORD. LAST WEEK YOU STATED THAT SUCH "EXTRACTS WOULD BE MADE IF THE SAME MATERIAL WAS NOT FOUND SOME OTHER PLACE, WHICH IS QUITE A DIFFERENT THING". WOULD YOU PLEASE CLARIFY THIS. END QUOTE.
ROBINSON

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